

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 2-8, 10-13, 15, and 16 remain pending in the present Application. Claims 2-4, 8, 13, 15 and 16 have been amended. Support for non-cosmetic changes to the claims can be found at least at Figs 7-8 of the specification as well as the corresponding description at pages 37-43. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 2-8, 1-13, 15, and 16 stand rejected under 35 U.S.C. § 102 a being anticipated by Gruse et al. (U.S. Patent No. 6,389,538, hereinafter Gruse).

REJECTION UNDER 35 U.S.C. § 102

The outstanding Official Action has rejected Claims 2-8, 1-13, 15, and 16 under 35 U.S.C. § 102 a being anticipated by Gruse. The Official Action contends that Gruse describes all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

Claim 2, recites, *inter alia*, an information processing method, including:

storing information for discriminating contents duplicated in the past with respect to a specific device and temporal data as to a previous start time of duplication of said the contents into a database of the specific device;

requesting a further duplication of the contents with respect to the specific device;

acquiring the information for discriminating content to be duplicated from the database of the specific device;

deciding whether copying of the contents discriminated by the discriminating information is allowed in accordance with a comparison between the temporal data stored in the database and current time; and

duplicating the contents in accordance with said decision whether if copying of the content is allowed,

wherein the duplication of the content is prohibited when an interval of time between the current time and the previous start time of duplication of said content specified by the temporal data stored in the database with respect to the predetermined device is less than predetermined amount of time. (emphasis added)

Gruse describes a system for tracking usage of digital content on user devices. The platform enables content providers (101) to distribute content to customers via a transmission infrastructure (107) and hosting site (111).¹ Specifically, content is packaged to form secure containers (SC) for delivery. For example, as outlined in Gruse at steps 142-148, throughout column 21, the user purchasing a secure container initiates a series of communications to decrypt the secure container by accessing encryption keys of a clearing house (105) for obtaining a symmetric key for decrypting content. In this way, the server sends a content package to a user requesting the content. The user may play back (or copy) the content by transmitting a request to the server, which includes data of the secure container. The server checks the data and transmits a license to the user and records usage of the content.

In the Official Action of October 24, 2006, it was noted that:

For instance, Gruse discloses that the control and enforcement of content usage can result “according to the conditions of purchase or license, such as permitted number of copies, number of plays, and the time interval or term the license may be valid (column 9, lines 65-67; emphasis added). As disclosed by Gruse, the certificate revocation lists include time stamps (column 39, lines 51-53).

Moreover, Gruse discloses that various parameters and conditions can be utilized to discriminate content in order to determine whether duplication or copying of content is permissible. Such parameters are ascribed values by Gruse, namely, a D value identifies that date and time the SC was created (column 42, lines 45-52). An E value identifies that date and time the SC expires (column 42, lines 53-55). A comparison of such values is compared with the date and time at the clearinghouse (current time) to determine enforcement based on the above noted parameters, as claimed by applicant. (emphasis added)

¹ See Fig. 1D.

As can be appreciated from the above noted rationale, it appears as though the Official Action is interpreting “duplication” as the transfer of contents from the server of Gruse to the customer. As Applicants’ claimed advancements are not directed to the original time of content transfer, Applicants have amended the pending claims to clarify that the “duplication” is relative to a specific device and content which may or may not have been a duplicated with respect to that device.

For example, in an exemplary embodiment of the Applicants’ advancements as recited in amended Claim 2, an information processing apparatus and associated methodology are provided wherein the duplication of previously duplicated content with respect to a specific device is prohibited when an interval of time between a present time and the start time of the prior duplication of the content is less than a predetermined period. This feature enables the processing apparatus and associated method of the present advancements to prevent mass duplication of already duplicated content.²

While Gruse provides a content usage control layer (505) to enforce conditions, or restrictions, imposed on the use of content (113), these conditions merely specify the number of plays allowed for content or whether or not a secondary copy of the content is allowed. Gruse does not disclose, or suggest, the prohibition of content duplication when an interval of time between the current time and the previous start time of duplication of content with respect to a specific device is less than the predetermined amount of time, as currently recited in Applicants’ Claim 2, or any claim depending therefrom. Likewise, as independent Claim 3 recites substantially similar limitations to that discussed above, Applicants respectfully

² Application at page 70, lines 16-20

submit that this claim, and any corresponding dependent claims, are also allowable over the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 2-8, 10-13, 15, and 16 under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 2-8, 10-13, 15, and 16, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,
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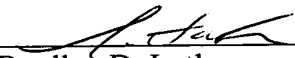
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